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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,356	10/01/2003	Roger D. Buck	WK/2003-06/US	7148
7590 WARD KRAFT, INC. P.O. BOX 938 FORT SCOTT, KS 66701			EXAMINER TALBOT, MICHAEL	
			ART UNIT 3722	PAPER NUMBER
			MAIL DATE 12/10/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/676,356

Applicant(s)

BUCK ET AL.

Examiner

Michael W. Talbot

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3 and 19-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3 and 19-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 19-21,23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chamberlain '469 in view of Sea '780. Chamberlain '469 shows in Figures 1-10 a business form intermediate and a sample collection assembly (1) comprising a first envelope (6,7,9) having a first length and width and an opening at one end (right side as viewed in Figs. 4 and 5); a second envelope (10,11,12) having a second length and width and having an opening at one end (right side as viewed in Figs. 9 and 10), and a record retention ply (2,5,5a) having a third length and width being distinct from each of the lengths and widths of the first and second envelopes (via separate entity) and being capable of receiving indicia via an indicia transfer means (5a and col. 3, lines 6-12). Chamberlain '469 shows each of the first and second envelopes and the record retention ply being superimposed over each other (Fig. 3) and joined along an end edge (4). Chamberlain '469 shows each of the first and second envelopes and the record retention ply being individually removable (via 4a) from the end edge. Chamberlain '469 lacks each of the first and second envelopes and the record retention ply being independently graspable from one another without disturbing or lifting either of the record retention sheet or another of the first and second envelopes. Chamberlain '469 shows at least one of the first and second envelopes (6,9) being provided with an inner sleeve or coating (8).

Sea '780 shows in Figures 1-4 a business form intermediate and a sample collection assembly having a multi-layered construction superimposed over each other (envelopes 10 and

a record retention ply 6) being independently graspable from one another without disturbing or lifting another one of the layers. In view of this teaching of Sea '780, it would have been obvious to one of ordinary skill in the art to modify the business form intermediate and a sample collection assembly of Chamberlain '469 with the multi-layered construction as taught by Sea '780 to provide improved accessibility to each individual layer (envelope or record retention play) without disturbing another layer for improved labeling, viewing and/or removal of the individual layers for the main assembly, thus maintaining the original overall construction (page 1, lines 71-83).

With regards to claims 21 and 26, Chamberlain '469 in view of Sea '780 does not disclose the inner sleeve or coating having properties selected from a group including moisture, vapor, gas, light and combination thereof. It would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the inner sleeve or coating of any desirable material having known properties, since it has been held to be within the general skill of a worker in the art to select a known material with known properties on the basis of its suitability for the intended use as a matter of obvious design choice. Therefore, it would have been obvious to construct the inner sleeve or coating with any desired material having known properties, since applicant has not disclosed in the specification or drawings the criticality of using a particular material having known properties, and the invention would function equally as well with any desired material with any known properties.

With regards to claim 23, Chamberlain '469 in view of Sea '780 does not disclose wherein the opening of the first envelope is disposed at a location opposite or 180 degrees from the access opening of the second envelope layer. It would have been obvious to place the opening of the first and second envelopes at any desired location, since it has been held that rearranging parts of an invention involves only routine skill in the art. Therefore, it would have

been obvious to place the opening of the first and second envelopes at any desired location since applicant has not disclosed the criticality of having the opening at a particular location, and would function equally as well at any location.

3. Claims 22 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chamberlain '469 in view of Sea '780, further in view of Harmanoglu '843. Chamberlain '469 in view of Sea '780 lacks wherein the business form intermediate and sample collection assembly are provided with a plurality of removable labels.

Harmanoglu '843 discloses wherein a label can be placed on the recordation layer. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the business form intermediate and sample collection assembly of Chamberlain '469 in view of Sea '780 with a plurality of removable labels as taught by Harmanoglu '843 for providing an alternative means in which to label / identify the envelope's contents.

4. Claim 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chamberlain '469 in view of Sea '780, further in view of Smith et al. '795. Chamberlain '469 in view of Sea '780 lacks wherein the sample collection assembly has one or more radio frequency ID tags.

Smith et al. '795 discloses in Figs. 1,2 and 4, a label (10) comprising a radio frequency ID tag (16). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the sample collection assembly of Chamberlain '469 in view of Sea '780 with a label having a radio frequency ID tag as taught by Smith et al. '795 for improved and accurate tracking purposes.

5. Claims 3 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chamberlain '469 in view of Sea '780. Chamberlain '469 shows in Figures 1-10 a sample collection assembly system (1) comprising a carrier layer (6,7,9) including a first (7) and second

(9) carrier plies forming a carrier pocket (6), wherein the first carrier ply being longer (at 15) than the second carrier ply in a direction such as to provide a flap (15) for closing the carrier pocket, a collection layer (10,11,12) superimposed upon the carrier layer and including a first (12) and second (11) collection plies forming a collection pocket (10), wherein the first collection ply being longer (at 19) than the second collection ply in a direction such as to provide a flap (19) for closing the collection pocket, and a recordation layer (2,5,5a) superimposed upon the collection layer and including a ply (5,5a) adapted to receive indicia and adapted to transfer indicia placed thereon onto the collection layer and the carrier layer (via carbon sheet 5,5a). Chamberlain '469 shows at least one of the plies of each of the carrier, collection and recordation layers being longitudinally coextensive at one of its ends (at 4 as shown in Fig. 3) with the others of the plies and being so attached to each other at said one of its ends as to be detachable from the attachment along a transverse line of weakening (4a) formed therein. Chamberlain '469 lacks the collection layer being shorter than the carrier layer and the recordation layer being shorter than the collection layer by an amount allowing each of the layers to be individually grasped and detached from the attachment without affecting the other layers.

Sea '780 shows in Figures 1-4 a sample collection assembly system having a multi-layered construction superimposed over each other (carrier and collection layers 10 and a recordation layer 6) being independently graspable from one another without disturbing or lifting another one of the layers. In view of this teaching of Sea '780, it would have been obvious to one of ordinary skill in the art to modify the sample collection assembly system of Chamberlain '469 with the multi-layered construction as taught by Sea '780 to provide improved accessibility to each individual layer (envelope or record retention play) without disturbing another layer for

improved labeling, viewing and/or removal of the individual layers for the main assembly, thus maintaining the original overall construction (page 1, lines 71-83).

6. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chamberlain '469 in view of Sea '780, further in view of Santangelo '916. Chamberlain '469 in view of Sea '780 lacks the sample collection assembly system having at least one of the carrier and collection layers having a plurality of flaps separated by lines of weakness.

Santangelo '916 shows in Figures 1-4 a sample collection assembly system (10,11) having a carrier and/or collection layer with a plurality of flaps (12,16) separated by lines of weakness (20). In view of this teaching of Santangelo '916, it would have been obvious to one of ordinary skill in the art to modify the sample collection assembly system of Chamberlain '469 in view of Sea '780 with a multi-flap carrier and/or collection layer construction as taught by Santangelo '916 to provide for multiple resealing capabilities of the carrier and/or collection layer, thus creating a multi-use assembly system.

#### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1 and 3-28 have been considered but are moot in view of the new ground(s) of rejection with respect to newly discovered references Chamberlain '469 and Sea '780 resulting from Applicant's amendments.

#### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning the content of this communication from the examiner should be directed to Michael W. Talbot, whose telephone number is 571-272-4481. The examiner's office hours are typically 8:30am until 5:00pm, Monday through Friday. The examiner's supervisor, Mrs. Monica S. Carter, may be reached at 571-272-4475.

In order to reduce pendency and avoid potential delays, group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at FAX number 571-273-8300. This practice may be used for filling papers not requiring a fee. It may also be used for filing papers, which require a fee, by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Michael W. Talbot of Art Unit 3722 at the top of your cover sheet.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



MWT  
Examiner  
29 November 2007

*Monica S. Carter*  
MONICA CARTER  
SUPERVISORY PATENT EXAMINER

ENTER 11/29/07 *mw*

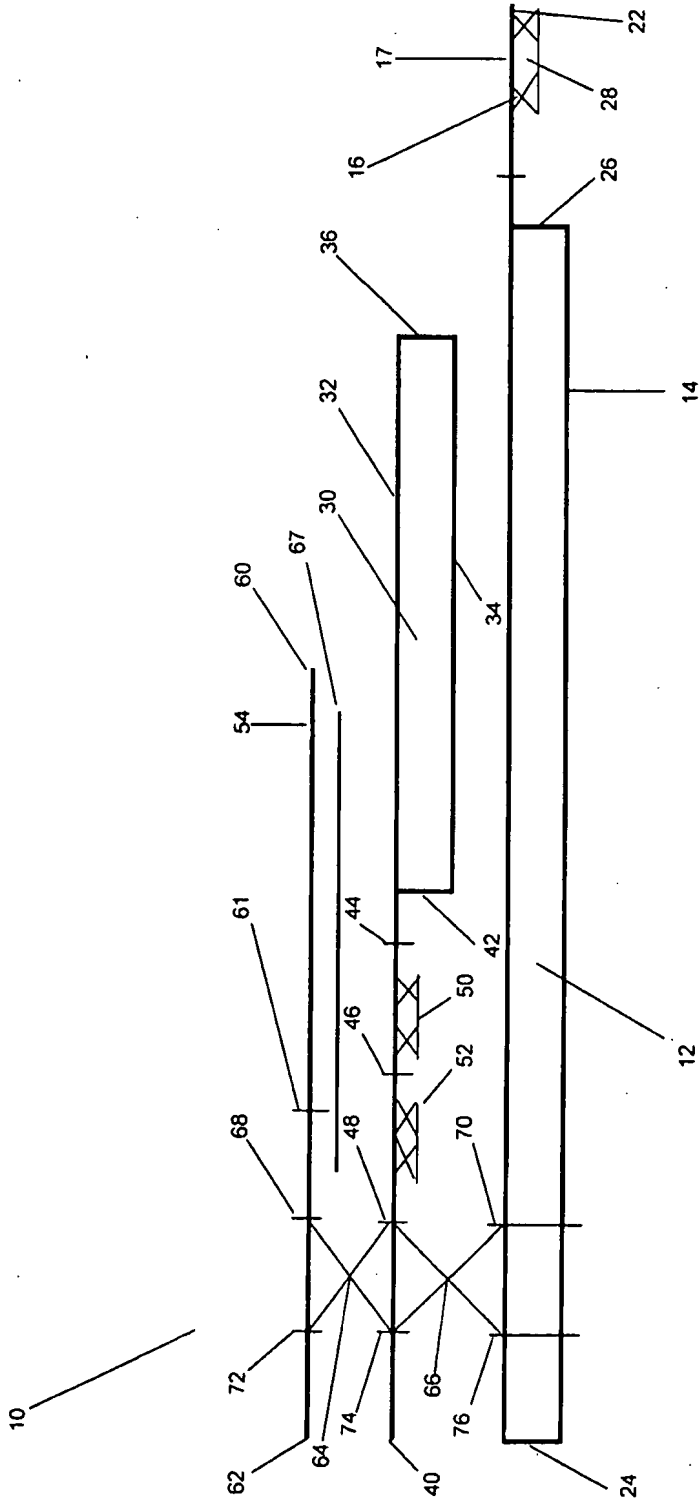




FIG 1

ENTER 11/29/07 



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Appl. No. 10/676356  
Amdt. Dated Sept. 4, 2007  
Reply to Office action of June 8, 2007  
REPLACEMENT SHEET

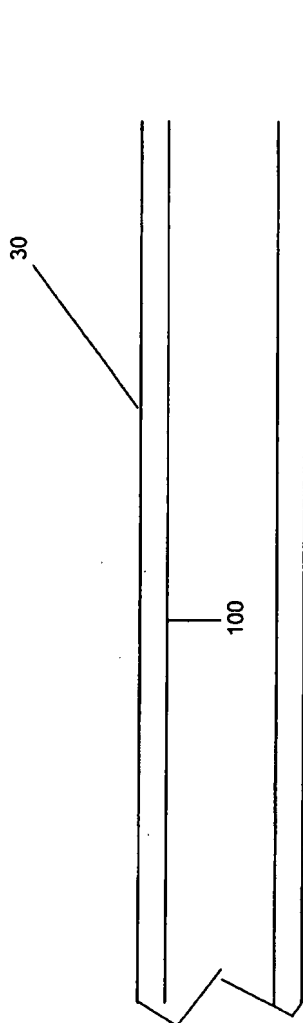


FIG 3